

EXTENSION OF WAIVER AUTHORITY
FOR THE REPUBLIC OF BELARUS

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

NOTIFICATION OF HIS DETERMINATION THAT A WAIVER OF THE APPLICATION OF SUBSECTIONS (a) AND (b) OF SECTION 402 OF THE TRADE ACT OF 1974 WITH RESPECT TO THE REPUBLIC OF BELARUS WILL SUBSTANTIALLY PROMOTE THE OBJECTIVES OF SECTION 402, PURSUANT TO 19 U.S.C. 2432 (c) AND (d)



JUNE 3, 2004.—Referred to the Committee on Ways and Means and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the "Act"), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to the Republic of Belarus. This document constitutes my recommendation to continue this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Belarus will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 3, 2004.*

REPORT TO THE CONGRESS CONCERNING THE EXTENSION OF WAIVER
AUTHORITY FOR THE REPUBLIC OF BELARUS

Pursuant to subsection 402(d)(1) of the Trade Act of 1974, as amended (“the Act”), I hereby recommend a further extension for 12 months of the waiver authority granted by subsection 402(c) of the Act. I have determined that such extension will substantially promote the objectives of section 402 of the Act, and that continuation of the waiver currently applicable to the Republic of Belarus will also substantially promote the objectives of section 402 of the Act. Exercise of the waiver authority conferred by Section 402 of the Act has permitted the United States to conclude and maintain in force a bilateral trade relations agreement with Belarus. The reciprocal Normal Trade Relations (NTR) trade treatment and other provisions of the trade agreement with Belarus enhance the ability of U.S. companies to compete in the Belarusian market. (Exercise of the waiver authority with respect to Belarus would also allow United States Government credit and investment activities in Belarus, but those programs have been suspended in Belarus due to strong concerns over the Belarusian authorities’ economic and human rights policies.) My determination is attached.

Freedom of Emigration Determination

Soviet-era restrictions on emigration in Belarus have (with one exception, noted below) been dismantled, and existing restrictions are applied in a manner that allows free emigration. A law on entry and exit came into effect on January 1, 1994 that abolishes the former Soviet requirement of mandatory official permission for each trip abroad by authorizing Belarusians to receive passports containing “global” exit visas valid for 1 to 5 years and for travel to all countries. The Belarusian Constitution of November 1996, although illegitimately adopted, nevertheless specifically grants citizens the right to leave and return as they wish. Applicants generally receive a passport and exit visa within 2 to 3 months of application, although widespread petty bribery often accelerates the processing period. Once the traveler has this document, Belarusian law does not further restrict travel abroad. However, the authorities occasionally limited foreign travel by delaying passport issuance. In 2002, the Belarus Constitutional Court determined that the requirement to obtain an exit visa was unconstitutional. The Belarusian government is obliged to abolish the requirement at some future time, but is has not done so yet.

Soviet-era legislation restricting emigration by those with access to “state secrets” remains in force in Belarus. The authorities, however, did not generally deny any citizen permission to emigrate. The emigration restriction does not discriminate on the basis of ethnic identity. None of the human-rights or Jewish organizations

in Belarus report discriminatory restrictions limiting the ability of citizens to emigrate.

Issuing of a waiver under Section 402 of the Act for Belarus will help preserve the gains already achieved on freedom of emigration and encourage further progress.

[Presidential Determination No. 2004-33]

THE WHITE HOUSE,
Washington, June 3, 2004.

Memorandum for the Secretary of State

Subject: Determination Under Subsection 402(d)(1) of the Trade Act of 1974, as Amended—Continuation of Waiver Authority for the Republic of Belarus

Pursuant to the authority vested in me under the Trade Act of 1974, as amended, Public Law 93-618, 88 Stat. 1978 (hereinafter the “Act”), I determine, pursuant to section 402(d)(1) of the Act, 19 U.S.C. 2432(d)(1), that the further extension of the waiver authority granted by section 402 of the Act will substantially promote the objectives of section 402 of the Act. I further determine that continuation of the waiver applicable to the Republic of Belarus will substantially promote the objectives of section 402 of the Act.

You are authorized and directed to publish this determination in the *Federal Register*.

GEORGE W. BUSH.

○